

UNITED STATES DISTRICT COURT
Northern District of California

UNITED STATES OF AMERICA
v.
MICHAEL C. PHILLIPS

-) **JUDGMENT IN A CRIMINAL CASE**
-) (For Revocation of Probation or Supervised Release)
-)
-) USDC Case Number: 0971 5:09CR00551-001 LHK
-) BOP Case Number:
-) USM Number: 13093-111
-) Defendant's Attorney: Cynthia Lie

FILED

FEB 14 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

THE DEFENDANT:

- admitted guilt to violation of condition(s) _____ of the term of supervision.
 was found in violation of conditions(s) Charges 1, 2, 3 and 4 after denial of guilt.

The defendant is adjudicated guilty of these violations:

Violation Number	Nature of Violation	Violation Ended
One	Committed a new state crime	10/11/2013
Two	Possession of a controlled substance	10/11/2013
Three	Frequented a place where controlled substances used and sold	10/11/2013

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Last Four Digits of Defendant's Soc. Sec. No.: 4280

2/12/2014

Date of Imposition of Judgment

Lucy H. Koh

Signature of Judge
The Honorable Lucy H. Koh
United States District Judge

Name & Title of Judge

2/14/14

Date

Defendant's Year of Birth: 1962

City and State of Defendant's Residence: Seaside, California 93955	<u>2/12/2014</u>
	Date of Imposition of Judgment
	<u>Lucy H. Koh</u>
	Signature of Judge
	The Honorable Lucy H. Koh
	United States District Judge
	Name & Title of Judge
	<u>2/14/14</u>
	Date

AO 245B (Rev. 09/11) Judgment in Criminal Case for Revocations

Sheet 1A

DEFENDANT: MICHAEL C. PHILLIPS
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ADDITIONAL VIOLATIONS

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Concluded</u>
Four	Association with persons engaged in criminal activity.	10/11/2013

(CAN Rev. 09/13)

AO 245B (Rev. 09/11) Judgment in Criminal Case for Revocations

DEFENDANT: MICHAEL C. PHILLIPS
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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:
20 months

- The Court makes the following recommendations to the Bureau of Prisons:
The defendant be housed in a facility located in Northern California
- The defendant is remanded to the custody of the United States Marshal. The appearance bond is hereby exonerated.
- The defendant shall surrender to the United States Marshal for this district:
- at _____ am pm on _____ (no later than 2:00 pm).
 as notified by the United States Marshal.
- The appearance bond shall be deemed exonerated upon the surrender of the defendant.
- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- at _____ am pm on _____ (no later than 2:00 pm).
 as notified by the United States Marshal.
 as notified by the Probation or Pretrial Services Office.

The appearance bond shall be deemed exonerated upon the surrender of the defendant.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____
_____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

(CAN Rev. 09/13)

AO 245B (Rev. 09/11) Judgment in Criminal Case for Revocations
Sheet 3 -- Supervised Release

DEFENDANT: MICHAEL C. PHILLIPS
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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:
40 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (*Check, if applicable.*)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (*Check, if applicable.*)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (*Check, if applicable.*)
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (*Check, if applicable.*)
- The defendant shall participate in an approved program for domestic violence. (*Check, if applicable.*)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) The defendant shall support his or her dependents and meet other family responsibilities;
- 5) The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) The defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

(CAN Rev. 09/13)

AO 245B (Rev. 09/11) Judgment in Criminal Case for Revocations
Sheet 3C - Supervised Release

DEFENDANT: MICHAEL C. PHILLIPS
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SPECIAL CONDITIONS OF SUPERVISION

All conditions as previously imposed

- 1) The offender shall participate in a program of testing and treatment for drug abuse, as directed by the probation officer, until such time as the offender is released from treatment by the probation officer. The offender is to pay part or all of the cost of this treatment, at an amount not to exceed the cost of treatment, as deemed appropriate by the probation officer. Payments shall never exceed the cost of urinalysis and counseling. The actual co-payment schedule shall be determined by the probation officer.
- 2) The offender shall provide the probation officer access to any requested financial information, including tax returns, and shall authorize the probation office to conduct credit checks and obtain copies of income tax returns.
- 3) The offender shall make an application to register as a drug offender pursuant to state law.
- 4) The offender shall submit his person, residence, office, vehicle, or any property under his control to a search. Such a search shall be conducted by a United States Probation Officer or any federal, state, or local law enforcement officer at any time with or without cause. Failure to submit to such a search may be grounds for revocation; the offender shall warn any residents that the premises may be subject to searches.
- 5) The offender shall not own or possess any firearms, ammunition, destructive devices, or other dangerous weapons.
- 6) The offender shall not enter and/or loiter in an area designated as a high narcotics area- specifically Del Monte Manor/Del Monte Apartment complex located in Seaside, CA.
- 7) The offender shall reside at a Residential Reentry Center (RRC) for a period of 120 days, and shall observe the rules of that facility.